



Bristol City Council Markets Licensing Policy

1 Introduction

Bristol City Council (hereinafter called the Council) recognises the importance of markets in the local economy and the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.

The Council's markets are described in more detail in Section 2 of this policy and they represent an important investment in delivering economic development with the City of Bristol.

The Council is keen to maintain the balance of markets throughout its area, and also ensure that there is consistency in the way that markets are organised. This markets policy sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

The Council recognises that there are many different types of market activities, and the policy adopted by the Council is intended to cater for each type of market. In particular, the Council's policy distinguishes between commercial and charitable markets. Section 5 of the markets policy deals with the different types of market and the Council's approach in considering applications in respect of such markets.

Prior to implementing this policy, the Council has taken an opportunity to consult with the National Association of British Market Authorities (NABMA).

In addition, the Council has consulted internally with relevant Council sections responsible for licensing, economic development, enforcement and with other relevant internal/external organisations.

This policy will be reviewed on an annual basis.

2 Markets

St Nicholas Market (BS1 1JQ) is operated by Bristol City Council who hold Royal Market Charter Rights and other appropriate statutory powers. St Nicholas Market operates generally Monday-Saturday, but also holds events and other markets on Sundays. St Nicholas Market operates a mixture of indoor and outdoor trading pitches and welcomes 100+ traders on any given day.

History

The Exchange Market

The Exchange building was designed by John Wood and officially opened in 1743 and was used by many of the merchants in the City. In 1872 the Corporation covered the courtyard with a glass dome in a similar vein to Crystal Palace. The dome was damaged in the second world war and was



subsequently demolished. In 1950 the entire building was modernised and made suitable for the holding of dances, exhibitions, and meetings, as well as the Thursday Corn Market. This continued until the 1970's when the Exchange began to be used for antique markets until it eventually emerged into the market you see today.

The Covered Market

Fruit and vegetable markets were held in the open streets until 1745 after which they took place in the open behind the Exchange building. In 1849 the Covered market was built as a fruit and vegetable market. This continued until the 1950's when the fruit and vegetable market was relocated to St. Philips.

The Glass Arcade

The first recorded building of a meat market in Bristol was in 1598 when a covered market was erected behind a house in Broad Street. The meat market was later transferred to a site behind the Exchange and then to Union Street where it existed until 1908. Arcades for meat and poultry were established in what is now known as the Glass Arcade.

3 Market Rights

The right to hold a market gives the owner the right of certain important powers, including the ability to control other markets held with 6 & 2/3 miles of the market owner's own market within the boundary of the City of Bristol. These rights are applicable regardless of whether the proposed market is held on public or private land, indoor or outdoor.

The Council enjoys the discretionary benefit of Charter Rights, and is required to utilise such powers for the benefit of the City Council and the citizens of Bristol. The Council reserves the right to take formal legal action against any person or company who attempts to operate an unlicensed market or car boot sale.

The Council, by virtue of its statutory powers, enjoys market rights throughout its area and is in a position to consider applications for market events. Section 5 of this policy sets out the basis on which applications will be dealt with by the Council.

This right has been exercisable for many years and the Council has taken into account relevant UK legislation in drawing up this markets policy.

4 What is a market event?

The Council's markets policy is intended to cover all market events held within the Council's area. In order that potential market operators are fully aware of the Council's definition of a market the following guidelines are provided:



- the legal definition of a market is a “concourse of buyers and sellers” (this means that the public are entitled to attend market events to buy and sell).
- If there are fewer stalls on the day than the number mentioned in the original application, then the activity will still be operated under this policy.
- There will be an operator of the market who will be responsible for the organisation and delivery of the event.
- The term “market event” includes but is not limited to events such as car boot sales, antique and craft markets, general markets, farmers' markets, street food markets and charity markets.
- A market may sometimes be held as an integral part of a special event, and where this arises the market element will fall within the Council's markets policy.

The Council's markets policy differentiates between markets of a commercial nature and markets which have a strong charitable element where at least 80% of the proceeds are donated to a charitable cause with a valid charity number.

This markets policy does not cover street trading applications. Where this is the case the relevant Council's licensing section should be consulted.

5 Licensing of markets under Bristol City Council's Markets Policy

The Council's consent to a market event must be given before the market takes place. Markets will only be licensed once an application for a markets licence has been successfully pursued. Any market that takes place without such a licence is in breach of the Council's markets policy and will be subject to enforcement action as described in Section 9.

The Council will consider applications in respect of the following categories of market events:

1 Commercial Markets

2 Markets with a strong charitable element

The Council's markets policy differentiates between markets of a commercial nature and markets which have a strong charitable element where at least 80% of the proceeds are donated to a charitable cause with a valid charity number. The criteria set out in Section 4 will be relevant in respect of both categories of market event.

Commercial markets

A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.



The Council will consider applications in respect of commercial markets having regard to the following requirements:

- No market will be authorised within 6 ²/₃ miles of an existing council market unless it can be demonstrated that the new market will not undermine or prejudice the overall market offer.
- In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council.
- A fee will be paid in respect of any consent given by the Council and the fee will be based on the size of the market and the frequency of the market. Refer to Section 6 in respect of fees.
- The goods or services to be sold on the market will be approved by the Council.
- A licensing agreement will be entered into between the operator and the Council, and such licensing agreement must be concluded before the market takes place.
- The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

Markets with A Strong Charitable Element

Markets with a strong charitable element are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.

The Council will consider applications in respect of charity-based markets having regard to the following requirements:

- The markets must be operated on a non-profit making basis to assist a charity and the operator shall supply relevant information to the Council if requested. While it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element where at least 80% of the proceeds are donated to a charitable cause with a valid charity number.
- In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council.
- A licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place.



- The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

Applications in respect of both commercial markets and charitable markets should be made to the following:

[Car boot sale licence \(bristol.gov.uk\)](https://bristol.gov.uk)

Information about the Council's markets policy can also be obtained online with the relevant application forms within the link above.

The Council will endeavour to deal with applications for a markets licence within a period of twenty-eight days. An operator of a market or car boot sale is therefore urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.

6 Fees

- **Administration Fee:** £30 per application from 1 April 2024/25, increasing to £40 from 1 April 2025/26. This is applicable for all applications.
- **Commercial markets:** £3 per pitch per market from 1 April 2024/25, increasing to £4 per pitch per market from 1 April 2025/26.
- **Charitable:** £1.50 per pitch per market from 1 April 2024/25, increasing to £2 per pitch per market from 1 April 2025/26.

7 Other Approvals

It is important to emphasise that any approval given by the Council in respect of its market policy does not remove the requirement for other relevant approvals to be obtained.

In particular the operator of a market should ensure that where the market is being held on private land, the approval of the landowner is obtained. The Council requires to receive evidence of such approval.

Planning permission might also be required and any market operator should consult with the Council's Planning Department to ascertain whether any planning considerations are relevant. If planning permission is required proof of such permission must be shown.



Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice might be required in respect of amplified music, the sale of hot food or alcohol.

8 Section 37 of the Local Government (Miscellaneous Provisions) Act 1982

The Council has approved the adoption of Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.

This Section deals with temporary markets and any operator of a temporary market, together with the occupier of land on which the market is to be held, are required to give to the Council not less than one month's notice of the holding of the market.

No notice is required if the proceeds of sale of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes. The Council reserves the right, in appropriate circumstances, to require evidence in respect of such matters.

Any notice given by the operator and the occupier of the land shall state:

- the full name and address of the person intending to hold the market.
- the day or days on which it is proposed that the market will be held and its proposed opening and closing times.
- the site on which it is proposed that the market will be held.
- the full name and address of the occupier of the land if he is not the person intending to hold the market.

It is important to emphasise that the requirements of Section 37 are quite separate to the licensing of events under the Council's Markets Policy set out in Section 5. The operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 as soon as proposals for a temporary market are under consideration. This will enable the Council to give preliminary consideration to a proposal and indicate its likely view on a subsequent application for a markets licence.

Failure to give a notice under Section 37 is a criminal offence and liable to a summary conviction in the Magistrates' Court.

9 Enforcement of Bristol City Council's Market Policy

The Council will monitor the application of its markets policy and any market event which is established after the date of the implementation of this markets policy will be subject to the



Council's requirements. Any market which is not approved by the Council under Section 5 of its markets policy will be subject to legal action and the Council will seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate. In addition, any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.